

### **DETAILED ACTION**

1. Claims 1-20, 22, and 31 are currently pending in the instant application.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Susan A. Wolffe on November 5, 2008.

#### **In the Claims:**

Claim 22: DELETE claim 22 and REPLACE with the following so that claim 22 is amended to read:

A method of treatment of a disorder selected from the group consisting of obesity, excessive food intake, nicotine withdrawal, and nicotine dependence comprising administration to a subject in need of such treatment an effective dose of a compound of formula (I) as defined in claim 1, or a pharmaceutically acceptable salt thereof.

### **REASONS FOR ALLOWANCE**

3. The following is an examiner's statement of reasons for allowance: The instantly claimed compounds are novel and non-obvious over the prior art because of the structural limitation located at the third position on the azetidine ring. The closest prior art is Adams et al., U.S. Patent No. 6,403,574. Adams et al., does not exemplify or disclose compounds wherein R<sup>1</sup> and R<sup>2</sup> are both aryl and wherein at least one of these substituents has a non-hydrogen substituent in

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the ortho-position(s) as in instant claim 1. This reference does not encompass the scope of the instant application, which includes the aforementioned novelty at the third position on the azetidine ring. One of ordinary skill in the art would not have expected that the aforementioned modifications would make compounds for the same quoted purpose. The prior art reference does not contain the identical or obvious substituents at the aforementioned positions. A person of ordinary skill in the art would not have expected that making these structural modifications would retain identical activity as disclosed in the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

4. Claims 1-20, 22, and 31 are allowed.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samantha Shterengarts whose telephone number is (571)270-5316. The examiner can normally be reached on Monday thru Thursday 9-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Joseph K. McKane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Samantha L. Shterengarts/  
Examiner, Art Unit 1626

/Kamal A Saeed/  
Primary Examiner, Art Unit 1626